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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/112,774	07/10/1998	KIA SILVERBROOK	IR18US	7296

7590 12/11/2002

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EXAMINER

YE, LIN

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/112,774

Applicant(s)

SILVERBROOK, KIA

Examiner

Lin Ye

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11/17/2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Information Disclosure Statements (PTO-1449) Paper No(s) 9

DETAILED ACTION

Response to Arguments

1. As for the Applicant's arguments filed on 11/17/02 regarding the objection to the substitute specification, the Examiner disagrees. The substitute specification will not be entered. The Applicant states that the substitute specification " simply changed the position of the references in the document" and does not subtract any information from the original. The examiner disagrees. The original specification divided the related applications into their relevant subject matter (See Pages 58-64). The substitute specification does not – it is merely a "laundry list" of applications. Such a list adds nothing of value to the specification – instead, it adds confusion. The applicant is correct that the examiner did not point out this objection to the specification in the first office action. In part, this is because of the technology divisions which were used as discussed above. It is noted that the applicant to file a continuation the propriety of this information in the original specification will be revisited.

The marked-up version of the substitute specification does not mention the Applicant deletes the original specification from pages 58-64 which divided the related applications into their relevant subject matter. This is created another confusion to the examiner.

Correction is required.

2. The Applicant should be noted the 37 CFR 1.125(b) does not ^{preclude}~~restrict~~ to make this listing of the nature of an information disclosure or as an appendix in the specification.

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3. The Applicant also should be noted that the issue of entering substitute specification filed on 7/8/02 with the issue of entering amendments filed on 7/8/02 is separated. In previous Item 2 of Office Action mailed on 9/18/02 clearly states “ Applicant’s arguments filed 7/8/02 have been fully considered but they are not persuasive as to **claims 1-4**”. This indicates the last proposed amendments by Applicant have been entered.
4. The Applicant defines the guillotine mechanism that requires the blade mechanism moves in order to provide the cutting and argues the Cane reference disclose to figure 26 (b) at item 352 for separating print media into photographs by tearing along a serrated edge is not same equivalent action as guillotine mechanism. It should be noted the Cane reference also discloses other techniques for cutting the paper, such as the item 352 is a slidable cutting blade (See Col. 15, line4s 54-59). This can be considered as the “ guillotine mechanism”.
5. For claim 1, it is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,152,619. Cane et al. U.S. Patent 5,999,203 is cited herein as evidence to support examiner’s arguments. See Col. 15, lines 54-60, states different techniques for cutting the image print media, such as a sliceable cutting blade or tearing along a serrated edge. It set forth motivation to cut print media into sheets of predetermined size appears to be obvious and therefore it does not matter whether this is performed by a guillotine mechanism or a motor and worm drive gear arrangement or other techniques for cutting the image print media.

Conclusion

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600